

LEGISLATIVE & PERSONNEL COMMITTEE
of the
Suffolk County Legislature
Minutes

A regular Legislative & Personnel Committee Meeting was held in the Rose Y. Caracappa Auditorium at the William H. Rogers Building, Veterans Memorial Highway, Hauppauge, New York on January 25, 2001 at 1:30 P.M.

MEMBERS PRESENT:

Legislator Martin Haley, Chairman
Legislator Ginny Fields, Vice Chair
Legislator Jon Cooper
Legislator Michael Caracappa
Legislator Allan Binder

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Loretta M. Filosa, Aide to Legislator Martin Haley
Nicole DeAngelo, County Executive's Office
Ed Romaine, Clerk of Suffolk County
Tom Donovan, Aide to Presiding Officer Paul Tonna
Lance Reinheimer, Budget Review Office
Ellen Martin, Aide to Presiding Officer Paul Tonna
All Interested Parties
Irene Kulesa

(The meeting came to order at 1:35 P.M.)

CHAIRMAN HALEY:

Everyone, please stand for the salute to the Flag.

SALUTATION

CHAIRMAN HALEY:

Thank you. It's been a long time, I've been Chairman of nothing for a year now, so it's a -- now, I'm Chairman of something, I guess. Before we go to the agenda, County Clerk Ed Romaine would like to speak to the committee. I guess reference amending the County Classification and Salary Plan for the County Clerk's Office. Why don't you come on up, Ed? Has this been filed?

MR. ROMAINE:

Yes, this has been filed.

CHAIRMAN HALEY:

Okay.

MR. ROMAINE:

Good afternoon.

CHAIRMAN HALEY:

Do you have a reso number?

MR. ROMAIN:

No, I don't have a reso number. It's coming up as a -- it will be presented to the Legislature as a C/N.

CHAIRMAN HALEY:

Okay, go ahead.

MR. ROMAIN:

Therefore, I wanted to address the committee, so that the Legislature would not be caught unawares. Sometimes with C/N's, you don't have enough time to digest the resolution, because it's being -- you're being asked for a vote immediately. This, we had put in for some time. We have temporary workers that work in our office and they work sometimes during the summer, sometimes on grant projects and they usually work 35 hours a week for 19 weeks, go off the payroll for two weeks and then come back on if we need them. They get paid a certain rate of pay but the Civil Service Department determined that the classification for these workers were not proper nor did they feel they should work 35 hours a week. So they recommended that we submit an amendment to the classification plan and actually codify their titles as temporary part time clerk typists with no benefits but they could only work 17 1/2 hours a week. I have no objection to that and that's why this resolution is before you today.

CHAIRMAN HALEY:

So there's been no change in salary. We -- just effectively it reduces their hours.

MR. ROMAIN:

Right, they make, I believe, it's eleven dollars and ninety seven cents an hour.

CHAIRMAN HALEY:

Okay, so what's the purpose of a C/N then?

MR. ROMAIN:

Because I can't hire anyone. All my temporary workers are no longer working.

CHAIRMAN HALEY:

You couldn't hire them under the old process? Or you just want to --

MR. ROMAINÉ:

No, I can't hire them. I could not hire or replace them and when we went to 17 1/2 hours a week, almost all of them left. So before I could hire new temporary workers this year, I need to have a title in place that Civil Service deems is properly classified.

CHAIRMAN HALEY:

Okay that's a -- I imagine that's a good reason. Just curious again? What kind of work do they do in the Clerk's Office again?

MR. ROMAINÉ:

Most of them work on State Grants.

CHAIRMAN HALEY:

Okay.

MR. ROMAINÉ:

We've got State Grants to convert mortgage and deed indexes, big books with indexes of mortgages and deeds. We're converting them back manually to 1969, by converting them to electronic format. At some point, what we will do, is we will use the microfilm and this electronic index to create, to merge them and create an image index capable of taking imaging back to 1969 and we have State money to do that. This is all State funded.

CHAIRMAN HALEY:

Legislator Fields.

LEGISLATOR FIELDS:

Yesterday there was an article, I think, in Suffolk Life where the County is going to slow down on some of their hires. Is that going to --

MR. ROMAINÉ:

That has no impact on that.

LEGISLATOR FIELDS:

Okay.

MR. ROMAINÉ:

And I'll explain to you why. To get any positions filled, we require a scin form, a scin, whatever that stands for and the County Executive or his representatives have to fill them. Often times we may wait, you know, many weeks to get them filled and I'm sure that's what they're slowing down. But temporary salaries is, instead, a budget line account. They are not considered full time positions and therefore, we don't have to do that and since many of these are State funded, we don't have to do that as well.

LEGISLATOR FIELDS:

Okay, thank you.

MR. ROMAINÉ:

Because we can only spend with the amount that we're budgeted for.

CHAIRMAN HALEY:

Okay, Joe you have anything? I appreciate you're coming down because this is where we have enough information. Jonathon, do you have any questions? Because they're asking for a C/N and obviously, they want the support because right now, all those temporaries that they use are now held in abeyance and obviously, all the work is backing up.

MR. ROMAINÉ:

Civil Service will not allow us, because they feel the proper classification is to tie it as a temporary part time clerk typist. Otherwise, without a title in place, I can't hire anyone.

CHAIRMAN HALEY:

Okay, thank you. Thanks, Ed.

MR. ROMAINÉ:

Okay. Thank you.

CHAIRMAN HALEY:

Okay, we'll go to the agenda. 2218 establish a Media Room in the William H. Rogers Building. Do you want to table it? Motion to table. Do I have a second?

LEGISLATOR FIELDS:

Why do you want to table it?

LEGISLATOR CARACAPPA:

It's my own personal reasons.

CHAIRMAN HALEY:

Okay. Well, I'll tell you what, let's go over -- I don't have -- I'll give deference to Legislator Caracappa. I don't have a problem tabling it for once. Legislator Binder is not here. Why don't we just wait? We'll come back to that, okay! And if he's not here, then we'll table it. 2229 I'm withdrawing that because that's already been taken care of in the Legislative -- at the Organizational Meeting. 2283 authorizing certain technical corrections. Counsel, I don't see anything unique in that or any problems with 2283.

MR. SABATINO:

That was the Capital Project. The account number was mistyped apparently.

CHAIRMAN HALEY:

Yes, it's just that -- do I have a motion?

LEGISLATOR FIELDS:

Second.

CHAIRMAN HALEY:

Motion by myself, second by Legislator Fields. All those in favor? Opposed? Approved.

I.R. NO. 2283-00 (P) Authorizing certain technical corrections to Adopted Resolutions Nos. 1204-1998 and 832-2000. ASSIGNED TO LEGISLATIVE & PERSONNEL (County Executive)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN HALEY:

2290 technical corrections. It says additional lot should have been included in the title. Apparently, this is actually adding --

MR. SABATINO:

This adds twelve point six acres by virtue of adding that lot. I don't know the circumstances but probably there was just a typo.

CHAIRMAN HALEY:

Nicole, are you familiar with this at all? I don't want to just add twelve acres for this.

MS. DEANGELO:

I think the twelve acres are already in the resolution. It just wasn't named.

CHAIRMAN HALEY:

It wasn't named.

MS. DEANGELO:

It was already there, yes.

CHAIRMAN HALEY:

Okay, fine. Motion.

LEGISLATOR FIELDS:

Second.

CHAIRMAN HALEY:

Motion by myself, second by Legislator Fields. All those in favor? Opposed? Approved.

I.R. NO. 2290-00 (P) Authorizing certain technical corrections to Adopted Resolution No. 575-2000. ASSIGNED TO LEGISLATIVE & PERSONNEL (County Executive)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN HALEY:

2316 this looks just like a modifying section -- let's see -- the adopted reso contains technical errors.

MR. SABATINO:

That's a transposition of numbers. It's 010 and it should be 001, so --

CHAIRMAN HALEY:

Okay. Motion.

LEGISLATOR FIELDS:

Second.

CHAIRMAN HALEY:

Motion by myself, seconded by Legislator Cooper. All those in favor? Opposed? Approved.

I.R. NO. 2316-00 (P) Authorizing certain technical corrections to Adopted Resolution No. 916-2000. ASSIGNED TO LEGISLATIVE & PERSONNEL (County Executive)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN HALEY:

1023 amending the 2001 Operating Salary amending the Suffolk County Classification Plan to accommodate the transfer of Divisions and their responsibilities which were adopted during the budget process. What happened in Finance?

MR. SABATINO:

It was discharged pending two things. One a more accurate fiscal impact statement and number two just an explanation as to those three positions that are being transferred back to public works because they're not related to the issue that Mr. Schneider had raised about public information officers.

CHAIRMAN HALEY:

Right. I have a motion by Legislator Caracappa to defer to prime. Do I have a second?

LEGISLATOR FIELDS:

Second.

CHAIRMAN HALEY:

Second by Legislator Fisher. All those in favor? Opposed?

LEGISLATOR FIELDS:

Fields.

CHAIRMAN HALEY:

Fields, I'm sorry. All those in favor? Opposed? Defer to prime.

I.R. NO. 1023-01 (P) Amending the 2001 Operating Budget and Amending the Suffolk County Classification and Salary Plan to accommodate the transfer of Divisions and their responsibilities which were adopted during the budget process for Budget Fiscal Year 2001. ASSIGNED TO FINANCE & FINANCIAL SERVICES AND LEGISLATIVE & PERSONNEL (County Executive)

VOTE: 5-0-0-0 DEFER TO PRIME

CHAIRMAN HALEY:

Legislator Binder, would you -- let the record reflect Legislator Binder's vote with the majority on all of those resolutions. We're going back to 2218, which is to establish a Media Room. Legislator Caracappa had shown an interest in tabling but we thought we'd wait for you to come in to -- perhaps make a motion to agree or --

LEGISLATOR BINDER:

I'd like to make a motion to approve it. I would think that the Legislature should provide an opportunity for the media. That provides the opportunity for our constituents to have another way to have access to us and the media has historically, in this building, had an opportunity to have a room, a place where they can go. They can have a computer. They can have a phone and this way they'd -- you know, the offices, let's say in Newsday are out in Melville, the offices for Suffolk Life are out in Riverhead. It makes it very difficult for them to have their base of operation in places all over this County when they can have a kind of base of operation in places all over this County. When they can have kind of a base of operations. As long as we're not funding a computer. We're not funding the phone. We're not funding the actual costs of these things. They should come in, take care of it, set themselves up but we should provide that place, a space for them to be close to us, to have access to us and access to the Presiding Officer, access to the things we do. So I would hope that my colleagues would want to reach out to our constituents and provide this to the media and provide this opportunity for them.

CHAIRMAN HALEY:

Joey.

LEGISLATOR CARACAPPA:

Thank you Mr. Chairman. I agree with everything you said, Allan but the fact remains is are we just dedicating this room for one or two media outlets or who will have access? Will it be first come, first served? Can News 12 go down there and edit tape if they needed to? Or would TV 55 be able to utilize the room? Will -- as this Legislature is well known for making, you know, waves in news or having dealt with big issues, we get media attention from outside the State, sometimes in this legislative auditorium. Will they be able to use it? Will they have access? Would the room be big enough? Will it be set up for the media and I just want more particulars.

LEGISLATOR BINDER:

Okay, I don't think we really need all that many particulars because we have a history here. This is not like this is a brand new idea. That this has not been done in the Legislature. That's never been something that the media from, you know, ABC News out of Washington really does not have an interest or New York City does not have an interest in having an office here in Suffolk County in our Legislature. The truth is nor does News 12 never expressed the desire to park their cameras here or TV 55 or anyone like that. Usually it is basically, the print media who wants an opportunity just to have a desk. Basically a desk, a phone, so they can communicate with their home office and a place to plug in a computer, so that they can communicate right then and there.

Maybe Newsday is probably the best example. When they are writing a story, they were able to then have a place where they can go, which by the way, is accessible to us, so we can go down and see them and talk to them in that office but they can sit down at a computer that is hooked on line. They can write their story and transmit that story instantly and have a place to go. It's a quiet place. How many times have Legislators looking for phones around

here? We can't even find phones. When we're doing a legislative meeting, we're just trying to find an empty office and we have staff in all the offices. I'm looking around. You're trying to find a phone. You can't even make a call. If you're Newsday, or if you're Smithtown News, or you're Long Islander or you're Suffolk Life, if you're anyone, you're looking for a place to -- now you're looking for a place or a pay phone. I mean and that's not how you want to transmit a story. I think to make it easy for them is to make it easier to our constituents to have access to us, access information. There are no particulars that are needed, because we have a history. No one really wants us other than a few Print Media and anyone who asks for it, we make sure what we do is up front. We ask them who wants it? We have five requests. We know we need five desks. You have an office that's set up that can allow for five desks. This is not rocket science here. This is very easy, a very easy opportunity for the media to have our access and again, I say it for our constituents.

LEGISLATOR CARACAPPA:

Okay. Mr. Chairman? If I can?

CHAIRMAN HALEY:

Yes, I just want to know when you look at the resolution, what it does is it simply gives the authority to the Presiding Officer to work something out and to work something out on a permanent basis, if space would be made available and on what terms and conditions.

LEGISLATOR BINDER:

I know.

CHAIRMAN HALEY:

It just gives them the -- it puts it in his hands but I would imagine if the Presiding Officer says no, I can't work this out then its done.

MR. BINDER:

Right and again, I know people will be surprised around here that I gave the -- that I put the authority in the Presiding Officer's hands to work it out but the fact is he should have it. I mean he has to run the place and it has to work. But he should be -- he should have to sit down basically, with them and they should try to work something out. If in the end they can't work something out, I can't make it happen. But we should really -- I think, we should put on record that is our intent to have some kind of room here that's easy access for the media.

LEGISLATOR CARACAPPA:

Mr. Chairman. You know, I agree, like I said earlier. The fact of the matter is why wasn't it done on reorganization day as a change to our rules? Because I think that's really where it belongs, as opposed to a resolution and if the resolution does come across, it should say change the rules and allow a media room, such as we made changes to the banning of cell phones and pagers of certain kinds here on reorganization day. Second, --

MR. BINDER:

Well, let me ask you one question? Hold on, I can only do one at a time.

LEGISLATOR CARACAPPA:

Go ahead.

MR. BINDER:

So I don't have to keep track of getting -- I'm almost forty and having senior moments. So I'll do one at a time. The reason that I -- it wasn't an organizational time, there's two reasons. Number one, I didn't know there was a problem at that time, so it didn't even occur to me to do that. Number two, it shouldn't be in the rules because it's not really rules issue. Rules are for how we comport ourselves. How we conduct our legislative meetings. How we move legislation. How we conduct ourselves here. But rules don't say this is how you should have offices. In other words, if not allocate -- it's really space allocation. Space allocation is not really a parliamentary question. So it really isn't usually a -- usually isn't -- wouldn't be, I didn't say always but usually wouldn't be the subject of something for the rules and I've had a lot of, as you know, connection to rule making and parliamentary procedure. It really isn't something that you'd put in that kind of agreement.

CHAIRMAN HALEY:

To our chagrin.

LEGISLATOR BINDER:

To your chagrin, thanks. So that's the answer to question number one. I didn't even think of it on organization day. Had I, I probably would have asked right then and there.

LEGISLATOR CARACAPPA:

Mr. Chairman, I believe it's rule number eleven sponsored by the -- years ago within our rules. This microphone is -- I apologize. That dictates where the press can actually stand in this auditorium.

LEGISLATOR BINDER:

Right in the auditorium --

LEGISLATOR CARACAPPA:

Which is --

LEGISLATOR BINDER:

During a meeting.

LEGISLATOR CARACAPPA:

I don't want to get complicated. I'm just --

LEGISLATOR BINDER:

But that's part of parliamentary procedure.

CHAIRMAN HALEY:

Well, no, no, let me correct you. That was really said -- it referred to non-legislative personnel and it referred to the operation of what happens in the hallways, behind the dais and stuff like that.

LEGISLATOR BINDER:

Which by the way --

CHAIRMAN HALEY:

So in absence of a resolution, most times, people who are not and that's for security reasons too. If you don't belong back here, you shouldn't be back here.

LEGISLATOR BINDER:

By the way, you will find historically in different levels of government, those kind of rules are part of rules how non-legislative personnel can or cannot have access to the floor, let's say in the House of Representatives under what conditions. Those are things that you will find in Jefferson's Manual, which is the rules in the House of Representatives, added to that, because they regulate that. That's something that's within the Chamber. But when you get into allocation of space beyond that you won't find anything like that. You won't say how many offices members will have of Congress or State Assemblyman or Senators. That usually is something that goes on between, you know the members and they kind of decide whether the Presiding Officer will speak or somebody tries to decide how they allocate space.

CHAIRMAN HALEY:

Thank you, Allan and Legislator Cooper and then we'll come back to Legislator Caracappa.

LEGISLATOR COOPER:

Thank you. I just wanted a clarification. In past years, is it true that we did make an accommodation for a Media Room?

CHAIRMAN HALEY:

Yes, actually in this building downstairs, they had a corner; they put their own phone in, right? And they had access to that for that space.

MR. SABATINO:

The Chairman is correct. There used to be a room in this building downstairs. Originally, it was like two rooms. It was divided, because the Daily News used to use it as their center of operation for all of Long Island. In fact, there was a rental fee that was paid. Then Newsday took a portion in the back. Then some of the local papers participated in there but over time that shrunk, because the Daily News' presence shifted to Mineola. But the Daily News actually would come in on weekends and use it to cover all of Long Island and then, as I said, over time, it shrank to a smaller and smaller presence but there was a presence. It was based on some form of compensation and they had access to a telephone and ultimately computers. The only thing that's changed in the intervening period is this bill and the reason that there was an issue about this was that the old building, it was just a simple key. You had a separate key to go into that back door and you could get into that room on the weekend and not affect the rest of the building necessarily. But now, we're going to have swipe cards at some point to actually get in. So it's a little more complicated.

CHAIRMAN HALEY:

It's complicated. That's why we let the Presiding Officer work on it.

LEGISLATOR COOPER:

Well, my only concern is, I don't think that from what I can see that there's any office space available --

CHAIRMAN HALEY:

You know what?

LEGISLATOR COOPER:

To have some media there.

CHAIRMAN HALEY:

You know what? That's possible.

LEGISLATOR COOPER:

If there's basement space available and if the press doesn't mind being in the basement --

CHAIRMAN HALEY:

That's where they were.

LEGISLATOR COOPER:

I'd love to be able to have access to the press and vice versa.

MR. SABATINO:

The only reason, the issue is going to be if you go the basement route, because this new security system and this was the thinking that went into the process, as I understand it from the people who are on the committee. It's a little bit unclear on how -- if you can limit the access just one door downstairs and not the rest of the building and avoid this swipe card thing, because you can't give the media our swipe card to get into the whole building. So that's the reason that there's been --

CHAIRMAN HALEY:

Right and that's why if you read the resolution, we're really giving -- it's up to the Presiding Officer to attempt to work that out. But at the end of the day, if he doesn't, it doesn't happen. Legislator Fields. They were busy. I was going to let you go while they are debating on that.

LEGISLATOR FIELDS:

This has come up a couple of times in the committees in 2000 but, as far as I understand, the Presiding Officer is, in fact, working on this and maybe we might want to ask Allan, what the status of that is just to know where we are on this resolution.

CHAIRMAN HALEY:

I think the problem you have is that I think you need to memorialize that simply because -- he has to establish an agreement and I think we need to memorialize it in writing. I know he might be working on it but this, if nothing else, this is -- it enables him to complete the process. So whether he's working on it or not, I think it's a good idea to just continue moving forward. That's all it does. It enables him. Because he can't unilaterally, on his own, decide to create an agreement with the news media whether it's in the form of rent, the use of space or anything like that. It would have to be approved.

LEGISLATOR FIELDS:

I just -- I agree but just for our own knowledge, where are we in at this point? What's the status of them trying to work it out?

MS. MARTIN:

It's my understanding that when we moved in that -- because Legislators had concerns that we had gotten in touch with the contractor and again, what Paul Sabatino is saying that there were issues regarding security and the way that we have set up the security system within this building and so we have been in touch. We have asked the contractor to give us a price on a security door, so that we could possibly set up an area where they would -- we would have to put up another security door and the price of that door is going to be the issue, whether the media would be willing to pay them for that door is my understanding. So we're waiting to hear about it from the contractor on that issue before we had moved further.

LEGISLATOR FIELDS:

Thank you.

CHAIRMAN HALEY:

The question of counsel though is, if he was to work something like that, it should still be memorialized in the approval process, right?

MR. SABATINO:

Well, there's two different issues. Under the current rules, he would have the power to sign the agreement. This resolution is different though, because this resolution is saying you're directing the process. So it's two different approaches. I mean that's why to answer your question, if this resolution didn't pass but they were able to work something out, in terms of details, he would have the authority to sign that agreement but that presupposes that he would just voluntarily on his own engage in that process and complete it. This resolution in contra distinction to that says we're directing you to do it. So that's the difference between the two.

LEGISLATOR BINDER:

Mr. Chairman, I think what it does is it makes it clear that the Legislature wants this to happen and it puts us all on record that this is important to us. To make sure that there's a place for the media, make sure that there is an opportunity for our constituents to have this access. That's what it is. It's basically, a chance for all of us to give voice to what the Presiding Officer is currently doing. That's it. Puts us all on record to say that. We agree with the Presiding Officer and what he's doing.

CHAIRMAN HALEY:

Legislator Caracappa.

LEGISLATOR CARACAPPA:

Again, agreed but the bottom line is, the things that Legislator Cooper and Legislator Fields bring up are a concern. Another concern of mine is what happens when we need space in this building and we go to whoever the News Agency is down there that occupies it most of the time. We say sorry but we have a new staff coming on to deal with or expanding the staff of the Presiding Officer to deal with more issues relating to poverty or more issues -- no, that's not a slap at anybody. I'm serious. We take on, as a Legislature, collectable another Task Force and something that means a lot to us, an Energy Task Force, foreseeing the problems we may be facing with energy problems. We may need office space. How do we delicately go downstairs and say take your things and move out without, you know, a big editorial or a big story? Legislature kicks out media. You know there are dicey things that come along with making space available, because one day that space may not become available and we have to ask them to leave.

LEGISLATOR HALEY:

Legislator Cooper.

LEGISLATOR CARACAPPA:

Put it in the resolution saying that if and when the Legislature needs space, you know, you're politely asked to leave.

CHAIRMAN HALEY:

I, by the way, I survived the rule that basically, threw the media out from behind the dais. So I don't -- this is -- you know, I don't think that's such a problem but Legislator Cooper will.

LEGISLATOR BINDER:

Just let me answer his question. I just want to ask you a question.

CHAIRMAN HALEY:

Allan?

LEGISLATOR BINDER:

It might be answered. Your answer to your question is that the Presiding Officer has the ability to put that into the terms and condition of what it is. So when you're throwing them out, we put them on notice from the beginning should we need this. I mean if that's part of what the concern is --

CHAIRMAN HALEY:

I'm sure you can consult with counsel on that anyway.

LEGISLATOR BINDER:

We make sure that's clear and we can make sure it's right, it's a clear part of the contract. Don't worry. We will take care of it.

CHAIRMAN HALEY:

Legislator Cooper.

LEGISLATOR BINDER:

Just put it into the record.

CHAIRMAN HALEY:

Legislator Cooper and Legislator Fields.

LEGISLATOR COOPER:

Again, I support --

CHAIRMAN HALEY:

I was hoping for a short meeting.

LEGISLATOR COOPER:

I support the concept of having a media room but I have a number of concerns. For example, I don't know if there are any liability issues, if we allow the press to use this room with their computers and equipment and if there's a power surge and if it blows out the computers, is the County liable or are they liable? But I don't want to settle this now. I think that there are enough questions that have been raised that it may make sense to table this.

LEGISLATOR BINDER:

I don't think the questions are real.

LEGISLATOR COOPER:

Okay that was a real question.

LEGISLATOR BINDER:

Okay.

MR. SABATINO:

The answer is yes. There are definitely liability issues. Something as simple as a person slips on the ice walking into the facility. I mean, to the extent that you bring more people in, you do take on liability.

LEGISLATOR BINDER:

Oh, can I follow up? Does this resolution cause us to incur those liabilities or does it give the Presiding Officer the ability to make a deal that would indemnify us or -- I mean, wouldn't it be the Presiding Officer's responsibility to make sure that he minimizes our exposure liability. I'm not -- it doesn't hurt.

CHAIRMAN HALEY:

All right, Allan.

LEGISLATOR BINDER:

The resolution -- it doesn't hurt --

MR. SABATINO:

But the question was is there liability when you bring people into the facility? The answer is yes. Not because of this resolution,

CHAIRMAN HALEY:

Right.

MR. SABATINO:

Because if you're bringing people into --

LEGISLATOR BINDER:

Okay, so --

MR. SABATINO:

That was the question you raised.

LEGISLATOR BINDER:

Okay, so my comment about that is, yes that's a question. Then if you have such a concern, either one, tell the Presiding Officer to stop doing what he's doing now, because he is talking about bringing them in here and trying to work out something, because you're concerned about liability. Or two, ask the Presiding Officer to make sure that when he closes the deal that he makes sure that he minimizes or eliminates that liability to us. This legislation that's not a question that's legislation. Because this legislation only memorializes what's happening. It's happening. It's already trying to put something together. This memorializes -- it says we agree with what the Presiding Officer is doing. So we're not going down a different road. We're just saying we agree and we're getting on board.

CHAIRMAN HALEY:

It's a valid question. He just simply -- Legislator Cooper is just simply concerned about all the ramifications of bringing in somebody from the outside to that and those are the things that we've addressed in the past and there's no doubt in my mind that the Presiding Officer is not about to enter into any agreement without checking with counsel. Legislator Fields.

LEGISLATOR FIELDS:

Legislator Haley, you just mentioned something about the media being behind the dais. Can you just explain that for those who may not have been here?

CHAIRMAN HALEY:

It's in the legislative rules. What happened, it was March of the first year I was Legislator and I was sitting -- it was actually in Riverhead and I was sitting over there and I was listening intently on someone who was speaking. Because being a new Legislator, you dwell on everybody's words and what happened is that the media came behind with a camera and it was News 12 and I forget the name of the gentlemen who was --

MR. SABATINO:

It was Scott Feldman.

CHAIRMAN HALEY:

It wasn't Scott Feldman; it was the other fellow. It's starts with an e.

MR. SABATINO:

Doug Ebb.

LEGISLATOR BINDER:

Doug Ebb, coming through and as he came through, he was having conversations with each Legislator as he was dragging, everybody was being disturbed and being moved and you know, I turned around and I said, you know, I actually shushed him and I got a dirty look and like who are you to shush and I said wait a minute, this is our office. I don't go into his office. Just walk in willy-nilly. So what we did is, we memorialized in a form of a resolution, which is now in the legislative rules, which basically and it's consistent through a lot of other government operations and legislative functions but the areas behind the dais or the areas behind -- in the halls of the Legislature are reserved to legislative personnel.

LEGISLATOR FIELDS:

Okay.

LEGISLATOR HALEY:

Okay, so what we did is we didn't say the media can't. We simply said the non-legislative personnel and we also extended it to say that if there was a non-legislative person behind the dais that if any Legislator requested the Presiding Officer to remove that person, the Presiding Officer shall have that person -- ask that person to leave.

LEGISLATOR FIELDS:

The reason I'm asking is because yesterday at the Public Safety Committee Meeting, there probably were eight or nine cameras right here.

LEGISLATOR HALEY:

Right, the way it works is that in absence of somebody asking for them to leave? We've had had circumstances -- for instance, when they -- I remember when we first created the ruling. The County Executive called because he was doing the State of the County Address and in order to get the view, all the cameras would have to come back here. There's unique situations where, you know, there's no Legislators that have a problem with it. It can happen. So we don't -- I just don't -- my personal view is I don't want to be disturbed, you know and what I found and Legislator Cooper will remember, recently this past year, where they had media standing behind his seat over there. I caught them looking over his shoulder reading what's in front of them. So those are things that really shouldn't happen and I'm not blaming the media, it can happen to anybody. But the media doesn't necessarily have any

more of a right to be back here than say an average citizen out there. So you just really have to create a rule and there are circumstances where, you know, it's unique, where you want to let them come back. Counsel.

MR. SABATINO:

Just for the record, Mr. Chairman. What happened yesterday before you arrived Legislator Fields, was that Legislator Carpenter said on the record that the Haley Rule is in effect but that because of the unique circumstances of that presentation against the wall, she would allow the media to sit there. So that's an example of how it worked.

LEGISLATOR HALEY:

Right, what it is, is -- you know, what it is? There are circumstances where it happens. So we're not -- it's absolute. What it does is we give the opportunity for a Legislator to say listen, I do have a problem with that and you know -- and then the Presiding Officer has to act. So you have, in a sense, some flexibility.

LEGISLATOR FIELDS:

So perhaps then, just based on all those facts, maybe this should be tabled for more wording to be put into it, in order to come to the conclusion that we would like it to come to.

CHAIRMAN HALEY:

Would you mind if we tabled it? Until the next meeting and why don't you have a conversation with Presiding Officer Tonna. Make some corrected copies and let's --

LEGISLATOR BINDER:

My concern is this, I -- and one of the reasons I didn't write this with any more, it's why it's so short, because I didn't want to direct the Presiding Officer to do anything in particular. It would be presumptuous of me, I think, presumptuous of individual Legislators to take out of the power of the Presiding Officer the ability to put together an agreement. In a sense, what we would be saying to him, we don't trust you to cover these issues. Now, no matter what you think of my relationship with the Presiding Officer, I think, it is absolutely wrong for us to tell him we don't trust him to conclude it in an agreement that is not -- that is in the best interest of this Legislature.

LEGISLATOR COOPER:

Oh but that's what you're telling him right now.

LEGISLATOR BINDER:

No, no, we're not.

LEGISLATOR COOPER:

He's working on this on his own.

LEGISLATOR BINDER:

No, no.

LEGISLATOR COOPER:

I don't understand why we need to get involved with this.

LEGISLATOR BINDER:

Because what all I want to do is put on the record that this is what we want. I want to -- if the sense is wrong, I want to speak on this, because I think it's important to let my constituents know that this is something that I want them to have that kind of accessibility and access. This is just my way of memorializing what he's doing. For me to go any further than that would be presumptive and that I would be assuming that he doesn't know how to do it or he doesn't know all the things that need to be in it and I presume he does more than that. I think that the Presiding Officer is very capable from his background, experience in business to be able to and with counsel's help, which you always have, to put together an agreement that would satisfy the concerns of Legislators. I would just like to be on record as saying that this is something I want to see. That's what this is about.

CHAIRMAN HALEY:

In absence of this resolution, the Presiding Officer tomorrow could say, you what? I'm going to put it on the back burner or I'm not going to do it.

LEGISLATOR COOPER:

But that's when it's appropriate to introduce a resolution like this.

CHAIRMAN HALEY:

Right, so he --

LEGISLATOR COOPER:

I mean, unless the only purposes for PR purposes, I'd send out a press release to your --

LEGISLATOR BINDER:

Why do we do sense resolutions? Why do we do sense resolutions? We do sense -- they're not binding. They don't make any --

CHAIRMAN HALEY:

Allan, Allan --

LEGISLATOR BINDER:

Why because we express --

LEGISLATOR COOPER:

I just think this is silly.

CHAIRMAN HALEY:

Allan, it's become very, very obvious that a majority of this committee would like to table it. So I have motion by Legislator Caracappa.

LEGISLATOR FIELDS:

Second.

CHAIRMAN HALEY:

Second by Legislator Fields. All those in favor? Opposed?

LEGISLATOR BINDER:

I'm opposed?

CHAIRMAN HALEY:

I'm opposed too. The motion carries that 2218 is tabled. Legislator Binder and Legislator Haley oppose that tabling motion.

I.R. NO. 2218-00 (P) Establish Media Room in William H. Rogers Legislative Building.
ASSIGNED TO LEGISLATIVE & PERSONNEL (Legislator Binder)

VOTE: 3-2-0-0 TABLED

CHAIRMAN HALEY:

We are adjourned, if no one has anything else. Legislator Cooper, go ahead.

LEGISLATOR COOPER:

I just wanted to say that I think it's really cool that you have a room named after you.

CHAIRMAN HALEY:

Oh, I don't like to invoke that name. I'm going to have to talk to Legislator Caracappa. I don't need to remind the media that it's my room.

(The meeting was adjourned at 2:10 P.M.)

